

**Senate Bill No. 516**

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Passed the Senate September 5, 2007

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*Secretary of the Senate*

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Passed the Assembly August 30, 2007

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2007, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act relating to water.

## LEGISLATIVE COUNSEL'S DIGEST

SB 516, Aanestad. Shasta-Tehama County Watermaster District.

(1) Existing law provides for the establishment of watermaster service areas by the Department of Water Resources for the purposes of ensuring the most practical and economic supervision of the distribution of water. Existing law specifies that upon the submission of a specified petition to a court in which a relevant judicial decree has been entered, the court may appoint a public agency as a watermaster to replace the watermaster appointed by the department.

This bill would create a watermaster district to be known as the Shasta-Tehama County Watermaster District, and would establish the boundaries of the district to include Shasta County and some parts of Tehama County. The bill would generally specify the powers and purposes of the district and prescribe the composition of the board of directors of the district. The bill would require the Board of Supervisors of Shasta County and Tehama County, on or before February 1, 2008, to appoint members of the board of directors who shall hold office until successor members are elected and qualified. Upon their election by the voters of the district, the bill would require the members of the board to classify themselves by lot into 2 classes. The first class would have 4 members with terms of office of 4 years, and the 2nd class would have 3 members with terms of office of 2 years. The bill would require that thereafter all members serve on the board for a term of 4 years. The bill would require the district to provide watermaster service on behalf of specified parcels that are a place of use for water rights under an appointed decree, as defined. The bill would authorize the district to enter into agreements to provide watermaster service to holders of certain water rights for which the department is not the watermaster. The bill would require that amounts owed to Shasta County for services provided to the district by Shasta County be included in the district's budget for each watermaster service area, except for that portion of the district coterminous

with Tehama County. The bill would require that the amount owed to Tehama County for services provided to the district be included in the district's budget for that portion of the district coterminous with Tehama County. By imposing election duties on Shasta County and Tehama County in connection with the operation of the district, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known and may be cited as the Shasta-Tehama County Watermaster District Act. It is intended to supplement the Water Code and reads as follows:

## SHASTA-TEHAMA COUNTY WATERMASTER DISTRICT ACT

### Article 1. Creation

101. This act shall be known and may be cited as the Shasta-Tehama County Watermaster District Act.

102. (a) A watermaster district is hereby created in Shasta County and parts of Tehama County to be known as the Shasta-Tehama County Watermaster District.

(b) The district shall be governed by a board of directors as specified in Section 401, shall have boundaries as prescribed in Section 201, and shall exercise the powers granted by this act for purposes of acting as watermaster over those decreed water rights whose places of use are within the territory of the district and for which the court has appointed the district as the watermaster, together with other powers and duties that are reasonably implied and necessary and proper to carry out the purposes of the district, including, but not limited to, any power authorized by the court which appoints the district as watermaster.

(c) The Legislature hereby finds and declares that the cost effective and responsible enforcement of existing decreed water rights within the district is in the public interest, and that the creation of a watermaster district that can serve in that capacity after proper appointment by the court is for the common benefit of the holders of those decreed water rights within the district and for the protection of agricultural and economic productivity.

## Article 2. Boundaries

201. The exterior boundaries of the district shall be the exterior boundaries of the County of Shasta and those portions of the following territories lying within Tehama County: Township 30 North, Range 1 East, Sections 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36; Township 30 North, Range 2 East, Sections 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35; and Township 30 North, Range 3 East, Sections 19 and 30.

202. The district is divided into the following service areas:

(a) Burney Creek Service Area, consisting of the territory within the County of Shasta that is covered by the judgment and decree, dated January 30, 1926, entered in *Black v. Grinnell, et al.* (Super. Ct. Shasta County, 1926, No. 5111).

(b) Hat Creek Service Area, consisting of the territory within the County of Shasta that is covered by the judgment and decree, dated May 14, 1924, entered in *Doyel, et al. v. Massie, et al.* (Super. Ct. Shasta County, 1924, No. 5724) and the judgment and decree, dated, May 7, 1935, entered in *Doyel, et al. v. Wilcox, et al.* (Super. Ct. Shasta County, 1935, No. 7858).

(c) North Fork Cottonwood Creek Service Area, consisting of the territory within the County of Shasta that is covered by the decree, dated June 9, 1920, entered in *Bee Creek Ditch & Water Company v. Happy Valley Land & Water Co., et al.* (Super. Ct. Shasta County, 1920, No. 5479).

(d) North Cow Creek Service Area, consisting of the territory within the County of Shasta that is covered by the judgment and decree, dated April 29, 1932, entered in *Lemm, et al. v. Rutherford, et al.* (Super. Ct. Shasta County, 1932, No. 5804), the judgment and decree, dated July 22, 1932, entered in *Colby, et al. v. Strayer, et al.* (Super. Ct. Shasta County, 1932, No. 5701), and the judgment

and decree, dated October 4, 1937, entered in Millville Ditch Co. v. Hufford, et al. (Super. Ct. Shasta County, 1937, No. 6904).

(e) Digger Creek Service Area, consisting of the territory within the County of Shasta and the County of Tehama that is covered by the decree, dated August 12, 1899, entered in Cransberry, et al. v. Edwards, et al. (Super. Ct. Tehama County, 1899, No. 2213), the judgment, dated June 9, 1913, entered in Wells, et al. v. Pritchard, et al. (Super. Ct. Tehama County, 1913, No. 3214), the judgment, dated October 16, 1917, entered in Harrison, et al. v. Kaler, et al. (Super. Ct. Tehama County, 1917, No. 3327), and the judgment, dated February 24, 1927, entered in Herrick, et al. v. Forward, et al. (Super. Ct. Tehama County, 1927, No. 4570).

### Article 3. Definitions

301. Unless otherwise indicated by their context, the definitions set forth in this article govern the construction of this act.

302. “Appointed decree” means a decree for which the district is appointed the watermaster by the court.

303. “Appointed parcel” means a parcel of real property within the district that is a place of use for water rights under an appointed decree.

304. “Board of directors” or “board” means the board of directors of the district.

305. “Contracted parcel” means an eligible parcel whose owner has entered into a contract with the district to provide watermaster service for that parcel.

306. “County” means Shasta County and the parts of Tehama County referred to in Section 201.

307. “Court” means the Superior Court for the County of Shasta or the County of Tehama.

308. “Decree” or “decrees” means any water right decree, entered by the court, that adjudicates water rights within the county in which the decreed points of diversion are within the county.

309. “Department” means the Department of Water Resources.

310. “District” means the Shasta-Tehama County Watermaster District.

311. “Eligible parcel” means a parcel of real property within the district that is a place of use for water rights under a decree

that is not an appointed decree, and for which the department is not the watermaster.

312. “Fund” means the fund designated by the court, or by the district in the absence of a designation by the court, into which assessments levied by the district shall be paid by the county upon collection.

314. “Person” means any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any native tribe or federal agency.

315. “Voter” means a holder of a water right whose place of use under a decree is an appointed or contracted parcel. Voting shall be weighted proportionally to the amount of flow allocated to the water right under the decree.

#### Article 4. General Provisions

401. (a) The board of directors shall govern the district and shall exercise the powers of the district as set forth in this act.

(b) The board of directors of the district shall consist of seven members, as follows:

(1) One member shall be a voter within the Burney Creek Service Area. This member shall be elected by the voters within the Burney Creek Service Area.

(2) One member shall be a voter within the Hat Creek Service Area. This member shall be elected by the voters within the Hat Creek Service Area.

(3) One member shall be a voter within the North Fork Cottonwood Creek Service Area. This member shall be elected by the voters within the North Fork Cottonwood Creek Service Area.

(4) One member shall be a voter within the North Cow Creek Service Area. This member shall be elected by the voters within the North Cow Creek Service Area.

(5) One member shall be a voter within the Digger Creek Service Area. This member shall be elected by the voters within the Digger Creek Service Area.

(6) Two members shall be appointed by the Board of Supervisors of Shasta County. These members shall be residents of Shasta County and shall not be voters.

(c) If one or more service areas chooses not to participate in the district, a number of board members equivalent to the number of service areas so choosing shall be elected at large from among the participating service areas.

(d) A quorum of the board of directors shall be three members. A majority of affirmative votes of the full membership of the board shall be required to take an action.

(e) (1) On or before February 1, 2008, the Board of Supervisors of Shasta County shall appoint the members of the board of directors of the district with the qualifications required by subdivision (b), as if the Superior Court of Shasta County had appointed the district as watermaster. The Board of Supervisors of Tehama County shall appoint the Digger Creek Service Area member. The members of the board of directors appointed pursuant to this paragraph shall hold office until their successors are elected and qualified.

(2) At the first opportunity to conduct an election, the voters shall elect the members of the board of directors. At the first meeting of the board of directors following that election, the members of the board of directors shall classify themselves by lot into two classes. The first class shall have four members and the other class three members. For the first class, the term of office shall be four years. For the second class, the term of office shall be two years. Thereafter, the terms of all members of the board of directors shall be four years.

(3) Except as provided in paragraphs (1) and (2), the term of office for a member of the board of directors shall be four years.

(4) Members of the board of directors may be reelected.

(f) Except as otherwise provided in this act, the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code) shall apply to elections within the district. For the purposes of the Uniform District Election Law, the district shall be deemed to be a landowner voting district.

(g) Any vacancy in the office of a member of the board of directors shall be filled pursuant to Section 1780 of the Government Code.

402. Consistent with Section 10525 of the Elections Code, for water rights with multiple holders, the holders shall designate in writing to the district, in accordance with a timetable established

by the district, a voter from among their number for voting purposes.

403. (a) The board shall do all of the following:

(1) Act only by ordinance, resolution, or motion.  
(2) Keep a record of all its actions, including financial transactions.

(3) Adopt rules or bylaws for its proceedings.

(4) Adopt policies for the operation of the district.

(b) The board may do all of the following:

(1) Provide, by ordinance or resolution, that its members may receive their actual and necessary traveling and incidental expenses incurred while on official business. Reimbursement for these expenses is subject to Sections 53232.2 and 52232.3 of the Government Code. A member of the board of directors may waive any or all of the payments permitted by this paragraph.

(2) Require any employee, officer, or member of the board to be bonded. The district shall pay the cost of the bonds.

(c) Before taking office, each elected director shall take the official oath and execute any bond that may be set by the board.

404. At the first meeting of the board, and at the first annual meeting each year thereafter, the board shall elect a chairperson and vice chairperson from among its members. The board shall appoint the secretary of the district. The secretary of the district may be a member of the board of directors or a district employee.

405. Meetings of the board shall be held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

406. The district shall have the following powers:

(a) Adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.

(b) Adopt and enforce rules and regulations for the administration, operation, use, and maintenance of the district's facilities and property.

(c) Sue and be sued in its own name.

(d) Acquire any real or personal property within the district, by contract or otherwise, to hold, manage, occupy, dispose of, convey and encumber the property, and to create a leasehold interest in the property for the benefit of the district. The district shall not have the power of eminent domain.



(e) Appoint employees, define their qualifications and duties, and provide a schedule of compensation for performance of their duties.

(f) Engage counsel and other professional services.

(g) Enter into and perform all contracts. The district shall follow the procedures that apply to the county, including, but not limited to, the requirements of Article 3.6 (commencing with Section 20150) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code.

(h) Adopt a seal and alter it.

(i) Take any and all actions necessary for, or incidental to, the powers expressed or implied by this act.

407. (a) The board of directors shall provide for regular audits of the district's accounts and records pursuant to Section 26909 of the Government Code.

(b) The board of directors shall provide for the annual financial reports to the Controller pursuant to Article 9 (commencing with Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

408. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

409. The district is not subject to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code.

410. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

## Article 5. Powers and Duties

501. The district shall serve as the watermaster for any appointed decree, including, but not limited to, taking specific actions ordered by the court in the administration of that decree or decrees.

502. In carrying out its duties as watermaster, the district shall have the powers and duties that are set forth as powers and duties

of the department in Part 4 (commencing with Section 4000) of Division 2 of the Water Code, except as modified by the court, and as follows:

(a) References to the department in that part shall be deemed to be references to the district.

(b) References to the Water Resources Revolving Fund in that part shall be deemed to be references to the fund.

(c) Charges levied by the district shall comply with Article XIII D of the California Constitution.

503. The district may enter into agreements to provide watermaster service to holders of a water right whose place of use is an eligible parcel where all holders of the water right have executed the agreement. An agreement to provide watermaster services to an eligible parcel shall include a provision that the holders agree to pay in full for the service prior to the provision of service. The amount to be paid shall be determined to ensure that the provision of the watermaster service to contracted parcels does not increase the cost of the watermaster service to appointed parcels.

504. (a) Amounts owed to Shasta County for services provided to the district by Shasta County shall be included in the district's budget for each watermaster service area, except for that portion of the district coterminous with Tehama County. The watermaster service areas within which these amounts have been incurred shall be identified and accounted for in the budget.

(b) Amounts owed to Tehama County for services provided to the district by Tehama County shall be included in the district's budget for that portion of the district coterminous with Tehama County.

SEC. 2. The Legislature finds and declares that this act, which is applicable only to the Shasta-Tehama County Watermaster District, is necessary because of the unique and special water problems in the area included in the district. It is, therefore, hereby declared that a general law within the meaning of Section 16 of Article IV of the California Constitution cannot be made applicable to the district and the enactment of this special law is necessary for the conservation, development, control, and use of that water for the public good.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because

a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.









Approved \_\_\_\_\_, 2007

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*Governor*